

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

In Re:)	
)	Chapter 7
Alvin Lyons and)	
Bobbie Beck)	Case# 10-53125
)	
Debtor(s))	Judge Schermer
)	

NOTICE AND MOTION TO DISMISS

PLEASE TAKE NOTICE: ANY RESPONSIVE PLEADING IN OPPOSITION TO THIS MOTION MUST BE FILED IN WRITING NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF SERVICE OF THIS MOTION AS SHOWN ON THE CERTIFICATE OF SERVICE. THE RESPONSE MUST BE IMMEDIATELY SERVED UPON THE UNDERSIGNED AND UPON ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A THE COURT MAY GRANT THE MOTION WITHOUT FURTHER NOTICE TO ANY PARTY UPON EXPIRATION OF THE RESPONSE PERIOD IF NO RESPONSE IS FILED. IF A RESPONSE OR OBJECTION IS FILED, THE MOVANT, APPLICANT OR CLAIM OBJECTOR SHALL SET THE MATTER FOR HEARING AND PROVIDE NOTICE THEREOF TO THE RESPONDENT AND ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A.

COMES NOW, Douglas M. Heagler, attorney and respectfully presents this Motion to Dismiss the individual case of Alvin Lyon, in the above captioned joint case and in support thereof:

1. Debtors Alvin Lyon's and Bobbie Beck's case was originally filed as a joint case.
2. The Debtors are not married and should not proceed as a joint case.
3. This case has not been converted under 1 U.S.C. Section 706 or 11. U.S.C. Section 111.
3. Debtors state that they had no intent to mislead the court in the original filing and advised the Trustee in the above matter of their unmarried status at their meeting of creditors.

4. The Debtors have discussed their situation and have agreed for Mr. Lyons to request to have his case dismissed, so that Mrs. Beck may work to obtain a discharge and the proper completion of the above captioned case.

5. On information and belief, the Debtors have not entered into any agreement with a creditor or Trustee as a basis for this motion.

WHEREFORE, the Debtors pray for an Order of this Court dismissing the individual Alvin Lyons from the above case and other further orders the court deems just and fair.

Respectfully submitted,

/s/ Douglas M. Heagler
Douglas M. Heagler, MO48952
901 Booneslick
St. Charles, MO 63301
(636 278-2778
fax 1 866 371 9155
dheagler@freshstartbk.com

CERTIFICATE OF SERVICE

I, Douglas M. Heagler, do hereby certify that I served a copy of this Notice along with the attached Motion upon the parties listed on the service list, by causing the same to be mailed in a properly addressed envelope, postage prepaid, before the hour of 5:30 p.m., June 23, 2011.

/s/ Douglas M. Heagler
Douglas M. Heagler, MO48952
901 Booneslick
St. Charles, MO 63301
(636 278-2778
fax 1 866 371 9155
dheagler@freshstartbk.com

SERVICE LIST

E. Rebecca Case
Trustee
7733 Forsyth Blvd. Suite 500
Saint Louis, MO 63105 (314) 721-7011

Office of the United States Trustee
111 South 10th St.
Ste. 6353
St. Louis, MO 63102 (Electronic)

Alvin Lyons
4104 Bain Court
St. Louis, MO 63044

Bobbie Beck
4104 Bain Court
St. Louis, MO 63044

Attached list:

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION

IN RE: Alvin Lyons
Bobbie Beck

CASE NO.

CHAPTER 7

Certificate of Service

I, the undersigned, do hereby certify that I served a copy of this Notice along with the attached Motion to Dismiss upon the parties listed on the service list, by causing the same to be delivered electronically, or mailed in a properly addressed envelope, postage prepaid, on or before June 23, 2011.

Date: _____

Douglas M. Heagler
Attorney for the Debtor(s)

Fingerhut
xxxx
P.O. Box 166
Newark, NJ 07101

Missouri American Water
xxxx
P.O. Box 578
Palatine, IL 60094

Ameren UE
xxxx
P.O. Box 66700
St. Louis, MO 63166-6700

GE Money Bank
xxxx
P.O. Box 960061
Orlando, FL 32896

MRSI
xxx1704
2250 E DEVON AVE STE 352
DES PLAINES, IL 60018

Bank of America
P.O. Box 650070
Dallas, TX 75265

Home Depot Credit Services
xxxx
P.O. Box 6028
The Lakes, NV 88901

MSCB INC
xxxxxxxxxxxx0918
1410 INDUSTRIAL PARK RD
PARIS, TN 38242

CAP ONE
xxxxxxxxxxxx5848
PO BOX 85520
RICHMOND, VA 23285

Lab corp
xxxx
P.O. Box 2240
Burlington, NC 27216

MSD
Attn: Bankruptcy
2350 Market Street
St. Louis, MO 63103

Des Peres Hospital
xxxx
P. O. Box 830913
Birmingham, AL 35266

Laclede gas
Rm 1215 c/o Bankruptcy
720 Olive St.
St. Louis, MO 63101

NCO FIN/55
xx3236
PO BOX 13570
PHILADELPHIA, PA 19101

Dougherty Physician
xxxx
P.O. Box 98570
Las Vegas, NV 89193

Lowes
xxxx
P.O. Box 530914
Atlanta, GA 30353

NCO FIN/55
xx2845
PO BOX 13570
PHILADELPHIA, PA 19101

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION

IN RE: Alvin Lyons
Bobbie Beck

CASE NO.

CHAPTER 7

Certificate of Service

(Continuation Sheet #1)

Sam's Club
xxx
P.O. Box 530942
Atlanta, GA 30353

Sears
xxx
P.O. Box 688957
Des Moines, IA 50368

STATE FARM FNCL SVCS F
xxxxxxxxxxxx0001
STATE FARM PLZ
BLOOMINGTON, IL 61791

THD/CBSD
xxxxxxxxxxxx2416
PO BOX 6497
SIOUX FALLS, SD 57117